

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY

BARSOUM S. ISRAEL

Civil Action No. 13-cv-0097 (PGS)

*Plaintiff.*

v.

DEAN R. SMITH

**VERDICT SHEET**

*Defendant.*

We, the jury, unanimously find:

**I. EXCESSIVE FORCE**

1. Do you find that Israel proved by a preponderance of the credible evidence that Smith committed an act that violated Israel's Fourth Amendment right not to be subject to excessive force, and that Israel's injuries were proximately caused by Smith's act?

Answer: Yes        No ✓

(If you answered "no" to this question, proceed to Section II. If you answered "yes" proceed to questions 2 and 3.)

2. If you answered "yes" to question 1, has Israel proved by a preponderance of credible evidence that he is entitled to an award of compensatory damages against Smith for use of excessive force?

Answer: Yes        No       

(Note: If you answered "no" to question 2, and "yes" to question 1, Israel is entitled to nominal damages of \$1.00 for the violation of a constitutional right.)

3. Do you find that Israel has proved by a preponderance of the credible evidence that he is entitled to an award of punitive damages against Smith for the use of excessive force?

Answer: Yes        No

**II. ASSAULT AND BATTERY**

4. Do you find that Israel proved by a preponderance of the credible evidence that Smith committed assault, battery, or both, against Israel, without legal justification; and that his injuries were proximately caused by Smith's act?

Answer: Yes \_\_\_\_\_ No

(If you answered "no" to this question, proceed to Section III. If you answered "yes" proceed to questions 5 and 6.)

5. Do you find that Israel proved by a preponderance of the credible evidence that he is entitled to an award of compensatory damages against Smith for either assault, battery, or both?

Answer: Yes \_\_\_\_\_ No \_\_\_\_\_

6. Do you find that Israel has proved by a preponderance of credible evidence that he is entitled to an award of punitive damages against Smith for either assault, battery, or both?

Answer: Yes \_\_\_\_\_ No \_\_\_\_\_

**III. INTENTIONAL INFILCTION OF EMOTIONAL DISTRESS**

7. Do you find that Israel has proved by a preponderance of credible evidence that Smith intentionally acted to produce emotional distress in a manner that was outrageous and so extreme to be beyond all possible bounds of decency, and that his injuries were proximately caused by Smith's act?

Answer: Yes \_\_\_\_\_ No

(If you answered "no" to this question, proceed to Section IV. If you answered "yes" proceed to questions 8 and 9)

8. Do you find that Israel proved by a preponderance of the credible evidence that he is entitled to an award of compensatory damages against Smith for intentionally inflicting emotional distress?

Answer: Yes \_\_\_\_\_ No \_\_\_\_\_

9. Do you find that Israel has proved by a preponderance of credible evidence that he is entitled to an award of punitive damages against Smith for intentionally inflicting emotional distress?

Answer: Yes \_\_\_\_\_ No \_\_\_\_\_

V. DAMAGES

10. If you have found that Israel has proven that he is entitled to damages, under any of the counts above, what amount ought to be awarded:

Compensatory Damages \$ \_\_\_\_\_

Nominal Damages \$ \_\_\_\_\_  
see Note below Question 2)

Punitive Damages \$ \_\_\_\_\_

Date 5/18/2018 Signed: \_\_\_\_\_

Time 2:25pm Jury Foreperson \_\_\_\_\_